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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

NORMAN A. MCKENZIE,  
Plaintiff and Respondent,  
v.  
SIEN LEE,  
Defendant and Appellant.

A106298, A107867  
A109086, A109894

(Alameda County  
Super. Ct. No. 8339045)

ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on March 30, 2006, be modified as follows:

1. On page 5, line 17, after the sentence ending “to modify support, it was \$2,354”, add as footnote 5 the following footnote, which will require renumbering of all subsequent footnotes:
  5. This amount reflects a monthly income above that shown as McKenzie’s combined monthly self-employment and investment income on his earnings and expense declaration. Lee claims the court made a computational error and the amount of income attributed to McKenzie should be higher. If Lee is right, the trial court may correct its order at any time. (See *Hennefer v. Butcher* (1986) 182 Cal.App.3d 492, 506; Code Civ. Proc., § 473.)

2. On page 6, at the end of the first full paragraph, add as footnote 7 the following footnote, which will require renumbering of all subsequent footnotes:

6. We will not address Lee's claim that the court abused its discretion by making the reduced child support award retroactive. That issue does not yet appear to be completely decided by the trial court. The court's Order Regarding Overpayment of Child Support filed October 22, 2004, provides: "The Court hereby stays reimbursement of any child support overpayment which exists as a result of the Court granting [McKenzie's] motion for modification. This matter will be resolved once the Court of Appeal[] issues its decision on [Lee's] appeal of this court's order."

There is no change in the judgment. Appellant's petitions for rehearing in A107867 and A109086 are denied.

DATED: \_\_\_\_\_ P.J.